

**BANNER & WITCOFF, CENTRAL FAX CENTER**  
INTELLECTUAL PROPERTY LAW

RECEIVED

JAN 10 2005

601 SW SECOND AVENUE, # 1900  
PORTLAND, OREGON 97204TEL: 503.425.6800  
FAX: 503.425.6801  
www.bannerwitcoff.com**FACSIMILE TRANSMITTAL SHEET****To:**  
Examiner K. Mitchell**FROM:**  
Byron S. Kuzara**COMPANY:**  
U.S.P.T.O.**DATE:**  
January 10, 2005**FAX NUMBER:**  
703-872-9306**TOTAL NO. OF PAGES:**  
19**RE:**  
U.S. Serial No. 10/685,309**OUR REFERENCE NO.:**  
005127.00467*If you do not receive all page(s) or have any problems receiving this transmission, please call:***NAME:** Lesa Wolman**PHONE:** 503-425-6800**COMMENTS:**

**IMPORTANT/CONFIDENTIAL:** This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law firm of BANNER & WITCOFF, LTD. which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be happy to arrange for the return of this message to our offices at no cost to you.

CHICAGO

WASHINGTON, D.C.

BOSTON

PORTLAND,  
OR

PTO/SB/97 (06-03)

Approved for use through 04/30/2003. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile  
transmitted to the Patent and Trademark Office

on 1/10/05.  
Date

By *S. Kuzara*  
Signature

Byron S. Kuzara, #51,255  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this  
certificate must identify each submitted paper.

Amendment (16 pages)  
Fee Transmittal (1 page)

Serial No. 10/685,309  
Attorney Docket No. 005127.00467

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>FEE TRANSMITTAL</b> <b>for FY 2005</b>		Complete If Known	
		Application Number	10/685,309
		Filing Date	10/14/03
		First Named Inventor	Philip FRANK
		Examiner Name	K. Mitchell
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	3877
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 200		Attorney Docket No.	005127.00487

**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 19-0733 Deposit Account Name: Banner & Witcoff, LTD.  
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments  
 Under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 30 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
35	-50 or HP= 0	x 50 = 0
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
5	-4 or HP= 1	x 200 = 200
HP = highest number of independent claims paid for, if greater than 3.		
		<b>Fee Paid (\$)</b>
		360
		0

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	- 100 = _____	/ 50 = _____ (round up to a whole number) x		

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

**SUBMITTED BY**

Signature	<u>Byron S. Kuzara</u>	Registration No. (Attorney/Agent)	51,255	Telephone	503-425-6800
Name (Print/Type)	Byron S. Kuzara	Date	1/10/05		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.


If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

JAN 10 2005

**Certificate Of Transmission**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at telephone number (703) 872-9306 on January 10, 2005.

Respectfully submitted,

  
By: Byron S. Kuzapp  
Registration Number 51,255  
Banner & Witcoff, Ltd.

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<i>In re</i> Application of	)	
	)	Group Art Unit: 3677
Philip Andrew FRANK	)	
	)	Examiner: Mitchell, K.
Serial Number 10/685,309	)	
	)	Attorney Reference: 005127.00467
Filed: October 14, 2003	)	
	)	
For: FLEXIBLE BAND	)	

**AMENDMENT**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

In response to the Office Action mailed October 12, 2004, please amend the above-captioned application as follows: